

Dear Honorable Judge Martin Glenn (Case No. 22-10964):

As background, I am a medical professional working to support Oncology research, so I am not an expert on cryptocurrency or bankruptcy legal expert. I am one of the creditors with well over six figures of my savings invested on this platform. I've been oscillating between angry and depressed with this experience over the last two months with no access to my assets. I will not rest until depositors are made whole without a so called "haircut" on our funds deposited. Just like most people during this financial crisis created primarily by our government and financial governing bodies, I was trying to gain a little income to offset inflation caused by the Federal Reserve pushing rates to zero, buying up of all U.S debt/bonds, and the government flooding the market with a ridiculous excess of money supply and liquidity. Holding USD or cash in traditional banks with zero percent interest meant you were making no interest and losing significant buying power relative to the parabolic, historic inflation rate. Aside from the stable coin USDC, I only invested in the largest and safest crypto investments while primarily earning a modest rate of return with Celsius right now of 2.5% BTC and 4% ETH. Celsius and Alex Mashinsky fraudulently mislead depositors on their risk model or I would have never invested on this platform.

I have several requests or items of consideration that I plead you act on immediately:

1. Celsius Network LLC and its subsidiaries under the leadership of Alex Mashinsky clearly committed fraud and it's documented on many company sponsored videos and social media platforms. The statements by Alex Mashinsky do not align with their terms and conditions, so the terms are completely null and void. **The debts incurred by Celsius depositors like myself are non-dischargeable debts.** Contrary to what the legal team for Celsius seemed to imply on day one, these depositor debts are not the property of Celsius given this fraud. The court needs to make this determination that fraud was committed and ensure that all investors are made whole.
2. Since they are non-dischargeable debts, I request that you immediately ascertain the amount of assets that Celsius has readily available in crypto and cash. I have significant concerns our investments are going to continue to be hidden, misdirected, or stolen. The initial court hearing did not document well what assets that Celsius actually has on hand and it still seems like they are hiding the truth. **All depositors should be given as much of their investments back with crypto in-kind now.** Delaying this return of assets any further will incur additional losses and risks to the investors. If funds are paid in anything other than the in-kind assets, investor will likely incur additional losses with the current bear market. I had much more invested than listed on the Celsius platform in terms of U.S dollars as crypto asset prices have declined 70-80 percent or more.
3. Similar to the notorious Bernie Madoff tragedy, Celsius and Mashinsky operated like a Ponzi Madoff 2.0 scheme over the last year or more with a giant hole on their balance sheet trying to entice new investment to fill the gaps to pay out its customers interest obligations and allow them to invest in more risky business ventures that depositors were completely unaware of. Celsius has more investors affected than the Madoff scandal. **A Celsius victim fund needs created similar to the Madoff fund allowing for the SEC to make all depositors or creditors whole over time with their legal collections.**

4. Why is the SEC and state regulators not more involved with ensuring the crimes committed are not being prosecuted right now?! The SEC and state regulators fined Blockfi \$100 million and investigated Celsius, which caused significant changes for all U.S. depositors in April 2022. The changes created the so called “Earn” and “Custody” accounts. U.S. depositors were grandfathered into their “Earn” interest accounts which forced them make difficult decisions to keep their money in Earn accounts to keep earning some interest or move their funds out with no possibility of return. Many investors would have moved their funds out of Celsius as needed with market risks, but were concerned of not being allowed back to earn interest in the future. The SEC has played a significant role in not regulating this CeFI industry appropriately and when they partially decided to do so handicapped the system from functioning appropriately. Since Celsius was operating like a so called CeFI bank, can Celsius even file for bankruptcy as banks cannot file for bankruptcy from my understanding of the law. I am asking the court and SEC to ensure they are now supporting the victims from part of the mess that they helped to create! The SEC needs to be acting to protect investors and I hope the court along with the SEC recognize this now to make things right.
5. Chapter 11 seems to be primarily designed to legally protect the business or leadership team from creditors and not the individual investor rights. For this process to be successful and fair, we need a strong consensus that will require making everyone whole as quickly as possible. Based upon the clear fraud, Mashinsky and leadership team need to be removed once all the currently available funds have been given back in-kind to the depositors or creditors. All expenses must be minimized and non-viable assets need to be liquidated as soon as possible. Every effort to find a new investor team or company willing to fill much or all the liquidity gap to help make investors whole as soon as possible needs to be enacted by the court and creditors committee. Allowing Mashinsky and current Celsius leadership to derail this process to maintain control is no longer an option as you've seen from all the letters. I hope criminal charges are moved forward soon to ensure accountability for this fraudulent activity. We “the depositors or creditors” do not consent to paying Celsius executive salaries while the business isn't operating or support additional drawn-out, exorbitant legal fees with this process.

Your Honor, I appreciate your consideration and action on these items to gain strong consensus, protect the injured depositors or creditors, and do the right thing by the people who were harmed by the apparent crimes committed by Celsius leadership. These debts by Celsius Network are non-dischargeable and need to returned in-kind as soon as possible. Thank you for the work you are doing to help bring justice to this case and support the hundreds of thousands of individuals or families impacted like myself.

Best Regards,  
Dr. JD Beal